

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL D. ALLISON,

Plaintiff,

v.

CITY OF BRIDGEPORT, IL, a municipality in Lawrence County, MAX SCHAUF, individually and in his capacity as Mayor of Bridgeport, ROBERT NESTLEROAD, individually and in his capacity as Chief of Police of Bridgeport, DANNY ASH, individually and in his capacity as police officer and acting Chief of Police of Bridgeport; TORY GARRARD, individually and in his capacity as owner of Garrard Towing and Repair, the designated towing agent for Bridgeport,

Defendants.

Case No. 05-cv-4206-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the motion to dismiss (Doc. 111) pursuant to Federal Rule of Civil Procedure 41(a)(2) filed by the plaintiff. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. The Court hereby **GRANTS** the motion (Doc. 111), **DISMISSES** this case **without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 11, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE